

REMARKS

Favorable reconsideration of this application as presently amended and in light of the following discussion is respectfully requested.

Claims 1-16, 24-43 and 51-68 are pending in the present application. Claims 1, 7, 29-43, 51-55, 61 and 65 have been amended by the present amendment.

In the outstanding Office Action, the specification was objected to; claims 1-16, 24-43 and 51-68 were rejected under 35 U.S.C. § 112, first paragraph; and claims 1-16, 24-43 and 51-68 were indicated as allowable in light of the rejection of 35 U.S.C. § 112, first paragraph.

Applicants thank the Examiner for the indication of allowable subject matter and for discussing this application with Applicants' representative on May 5, 2009. During the discussion, the 35 U.S.C. § 112, first paragraph rejection was discussed. Comments presented during the discussion are reiterated below.

Regarding the objection to the specification, the appropriate claims have been amended to use the term "optical recording unit" as suggested in the Office Action. Accordingly, it is respectfully requested the objection to the specification be withdrawn.

Further, regarding the rejection of claims 1-16, 24-43 and 51-68, the appropriate claims have been amended to clarify that at least one second temporary defect management area with one of variable sizes is allocated to the recording medium. These features are supported at least by Figs. 4 and 5 and the corresponding description of the present application. For example, paragraph [0041] of the present application clarifies that the IDMA can be allocated with Px256 (or Qx256) clusters. In this example,  $P=16N$ , which indicates one variable size for P. See also paragraph [0053] of the present application which illustrates a second example in which  $P=N/4$ ,

which indicates another variable size for P. That is, the P (or Q) is one of variable sizes. Therefore, it is respectfully submitted the present specification supports the claimed features. Accordingly, it is respectfully requested this rejection be withdrawn.

Further, it is respectfully requested this amendment be entered as it raises no new issues and places the application in condition for allowance.

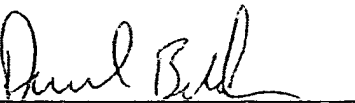
**CONCLUSION**

Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact David Bilodeau, Registration No. 42,325, at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

Dated: May 6, 2009

Respectfully submitted,

By 

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